

REMARKS

Upon entry of the instant Amendment, Claims 1-27 are pending. Claims 2 and 16 have been amended in response to the Section 112 rejection.

Although the Examiner has indicated consideration of the Information Disclosure Statement submitted January 7, 2009, Applicants respectfully request an acknowledgement of the submitted list of references (which does not currently appear in the PAIR image file wrapper and was not provided with the Office Action).

Claims 2 and 16 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claim 2 has been amended to refer to a "user message."

Claim 16 has been amended to provide greater clarity. The phrase "the generating" objected to in line 1 has been clarified and commas have been inserted for clarity at lines 5 and 8. Finally, the term "ringing signaling an incoming telephone call" has been amended to recite "ring signaling." As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 1-27 have been rejected under 35 U.S.C. 102(e) as being unpatentable over Robinson et al., U.S. Patent No. 5,581,604 ("Robinson"). In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Robinson.

As discussed in the Specification, and in response to the previous Office Action, according to one embodiment of the present invention, a telephone device may be provided that includes a ring detector, a command interface, a controller and a telephone network interface. In response to an incoming call, the ring detector alerts the called party and causes the controller to activate the command interface. The command interface is activated for a predetermined time while the call is still ringing.

While activated, the called party can select or enter a customized playback message using the telephone.

Thus, claim 1 recites “means for generating a user alert in response to the incoming phone call, said generating means including a ring signal detection means;” and “means at a called party’s telephone for enabling selective entry of a user message in response to the alert while the incoming call is pending and still ringing to the calling party”; claim 6 recites “means at a called party’s telephone for enabling selective entry of a user message in response to the alert while the incoming call is pending and still ringing to the calling party”; claim 10 recites “a ringer alerting a called party to the incoming call in response to the detection signal; a command interface for receiving one or more message parameters from the called party; and a controller for activating the command interface in response to the detection signal;” and “a controller for activating the command interface in response to the detection signal and for transferring the customized message to the caller, wherein the controller is an element of the telephone”; and claim 16 recites “generating, from the recipient telephone, a user alert in response to the incoming telephone call ringing signaling, based on the incoming telephone call; receiving a command from a called party in response to the user alert; generating, from the recipient telephone, an audio message based on the command while the incoming call is pending.”

In contrast, Robinson provides a separate “auto attendant system” which can include a “PBX controlled by a computer” or “dedicated electronic hardware.” In Robinson, the auto attendant system connects to the called party’s extension; only after the called party telephone answers is the called party provided with messaging options. The messages are then delivered and the connection to the called party is terminated.

Embodiments of the present invention, however, provide circuitry in the telephone that detects the ringing signal and, in response, allows a user to generate a message to the calling party via the telephone prior to answering.

That is, in the present invention, the telephone itself may be used to generate or

communicate with a server to select the outgoing message prior to answering or connecting, i.e., in response to the ring signal.

Further, Applicants note that claim 1 further recites "a timing means responsive to the ring signal detection means for timing a predetermined period during which a called party can select to generate the user message." As noted above, Robinson does not provide a ring signal detection means. Robinson likewise does not provide a timer responsive to such a detection means. Indeed, the Official Action does not appear to address this limitation.

As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

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